IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3948 OF 2006
IN
CRIMINAL SESSION COURT APPEAL NO.155 OF 2006

Dinesh Maruti Kadakane ...Applicant
Vs.
The State of Maharashtra & Ors. ...Respondents

Ms. Sonia Sunil i/b. Mr. Bekay Legal for Applicant/Appellant

CORAM: SMT. ROSHAN DALVI
(VACATION JUDGE)
DATED: 2ND NOVEMBER, 2006

P.C.

1. The Applicant challenges the order of the learned Sessions Judge dismissing the Appeal from the conviction order passed by the learned Magistrate under Section 138 of the Negotiable Instrument Act. The Applicant has deposited the amount of the cheque of Rs.32500/- in 13th Metropolitan Magistrate Court, Dadar, Mumbai. The Applicant agrees that the complainant be entitled to withdraw the cheque. The Applicant has been sentenced to suffer Simple Imprisonment for one month for non-payment of the amount of the cheque. Since the cheque amount is paid the Applicant shall not be arrested in Criminal Case No.305/SS/2005 by 13th Court, Dadar, Mumbai pending the Criminal Appeal. The Complainant shall be entitled to withdraw the entire amount lying to the credit of C.C.No.305 of 2005.

(SMT.ROSHAN DALVI, J.)